

DELEGATION OF AUTHORITY

DATE: 8/5/2009

SAFE DRINKING WATER ACT

9-33-A. Administrative Penalty Under Part B: Penalty
Assessments, Issuing Complaints, and Negotiating
and Signing Consent Agreements

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 9-33-A issued by EPA Headquarters on May 11, 1994.

B. Authority. Pursuant to the Safe Drinking Water Act (SDWA), to:

- (1) propose the assessment of a penalty against any person in violation of any administrative order issued under Part B of the SDWA;
- (2) issue, amend or withdraw complaints;
- (3) negotiate consent agreements between the Agency and respondents; and
- (4) sign consent agreements between the Agency and respondents.

2. TO WHOM DELEGATED.

A. This authority is delegated to the Director, Office of Environmental Stewardship (OES).

B. The Director, OES, further redelegates the function in 1.B.(3) to Agency attorneys as designated by the Manager, Regulatory Legal Unit, OES, or appropriate OES technical program staff, as designated by the Manager, Regulatory Legal Unit, OES, in consultation with the Manager, Water Technical Unit, OES.

C. The Director, OES, further redelegates the function in 1.B.(4) to the Manager, Legal Enforcement Office, OES.

3. REDELEGATION AUTHORITY.

A. The functions listed in 1.B.(1), 1.B.(2) and 1.B.(3) may not be redelegated.

B. The function in 1.B.(4) may be redelegated to the Section Chief level or equivalent.

**ENVIRONMENTAL PROTECTION AGENCY
REGION I - BOSTON**

**CLASS. NO. 1200
DELEGATION NO. 9-33-A**

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SAFE DRINKING WATER ACT

**9-33-A. Administrative Penalty Under Part B: Penalty
Assessments, Issuing Complaints, and Negotiating
and Signing Consent Agreements (cont'd)**

4. LIMITATIONS.

A. This authority may only be exercised prior to the alleged violator's filing an answer or failure to file a timely answer to a complaint.

B. The Director, OES, or his/her designee, and the Manager, Legal Enforcement Office, OES, may exercise the above authorities only for those cases initiated by the Region.

C. Prior to exercising this authority, the Director, OES, or his/her designee, and the Manager, Legal Enforcement Office, OES, shall consult with the Manager, Regulatory Legal Unit, OES, or his/her designee.

D. The Director, OES, or his/her designee, and the Manager, Legal Enforcement Office, OES shall consult with the Regional Counsel, or his/her designee, on significant counseling issues.

E. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

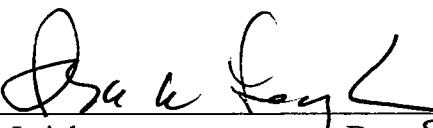
5. ADDITIONAL REFERENCES.

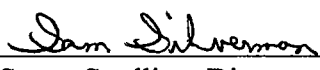
A. Sections 1414(g)(1) and (3) and 1445 of the SDWA.

B. 40 CFR Part 22.

C. Guidance on Procedures for Assessing Civil Penalties in an Administrative Order Pursuant to Section 1414(g)(3)(B) of the SDWA.

6. SUPERSESSSION. Region 1 Delegation of Authority 9-33-A, dated November 6, 2000.


Ira W. Leighton
Acting Regional Administrator
Date 8/5/09

 acting for 7-29-09
Susan Studlien, Director
Office of Environmental Stewardship
Date